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O.A.No.413 of 2022

and

CS.No. 136 of 2022

R.N.MANJULA, J.

The applicant, who is the plaintiff in the suit in CS.No.136 of 2022 has filed this application seeking an order of ad-interim injunction for restraining the respondents herein, his men, agents, and servants, from in any way encumbering the suit properties pending disposal of the suit.

2. The respondent/defendant has filed a counter, in which he has stated that he is also ready and willing for partition provided in the partition done in a reasonable and proper manner.

3. The only grievance of the respondent is that the applicant is demanding all the original documents, which are presently in his custody, even before the partition. Since both the parties are amenable to partition, there is no urgency for exchange of original documents at this stage. However, the applicant/plaintiff would have an apprehension that by making use of the original documents, the respondent/ defendant might create any third-party interest during the pendency of the suit.



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jrs

4. The respondent has stated in his counter that there is no truth in the statement of the applicant and he is not attempting to create any third-party interest.

5. Since the respondent has stated that he is all along willing for partition and has no intention of creating any third-party interest, the submission of the respondent can be considered his undertaking for the purpose of this petition.

6. Considering the said undertaking, this application is closed.

24.07.2023

jrs

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